

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #11	CCRB Case #: 201809625	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/16/2018 11:21 PM	Location of Incident: [REDACTED]	Precinct: 72	18 Mo. SOL 5/16/2020	EO SOL 12/31/2020	
Date/Time CV Reported Mon, 11/19/2018 10:11 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 11/19/2018 10:11 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			072 PCT
2. POM Eric Roome	16591	953337	072 PCT
3. SGT Thomas Redmond	02646	948411	072 PCT
4. POM Anthony Taccetta	23504	959283	072 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM King Zhang	12318	957304	072 PCT
2. POM Kai Lee	05706	924061	072 PCT
3. POF Alyssa Acevedo	18824	962196	072 PCT
4. POM Patrick Ward	01536	963800	072 PCT
5. POM Adib Algahiti	21917	960108	072 PCT
6. POM Michael Cundari	27116	964298	072 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Thomas Redmond	Force: Sergeant Thomas Redmond used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Eric Roome	Force: Police Officer Eric Roome used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Anthony Taccetta	Force: Police Officer Anthony Taccetta used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D. Officers	Force: Officers used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
E.POM Anthony Taccetta	Discourtesy: Police Officer Anthony Taccetta spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
F.POM Anthony Taccetta	Discourtesy: Police Officer Anthony Taccetta spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On November 19, 2018, § 87(2)(b) called the CCRB to file this complaint on behalf of her son, § 87(2)(b) did not witness the incident.

On November 16, 2018, at approximately 11:21 p.m., § 87(2)(b) walked in the vicinity of 6<sup>th</sup> Avenue and 56<sup>th</sup> Street in Brooklyn. Sgt. Thomas Redmond, PO Eric Roome, and PO Anthony Taccetta, all from the 72<sup>nd</sup> Precinct, responded to a robbery complaint in the vicinity and encountered § 87(2)(b) who was then fleeing from officers on foot. Sgt. Redmond, PO Roome, and PO Taccetta took § 87(2)(b) to the ground (**Allegation A -Force: Physical force, § 87(2)(g)**) (**Allegation B -Force: Physical force, § 87(2)(g)**) (**Allegation C -Force: Physical force, § 87(2)(g)**).

After the officers took § 87(2)(b) to the ground, unidentified officers allegedly kicked him repeatedly (**Allegation D -Force: Physical force, § 87(2)(g)**). PO Taccetta allegedly told § 87(2)(b) “We don’t give a fuck about your surgery” (**Allegation E - Discourtesy: Word, § 87(2)(g)**), and, “Shut the fuck up” (**Allegation F -Discourtesy: Word, § 87(2)(g)**). § 87(2)(b) was arrested as a result of this incident and charged with robbery, resisting arrest, obstructing governmental administration, and menacing (Board Review 01).

No video footage was recovered in this case.

### Findings and Recommendations

**Allegation (A) Force: Sergeant Thomas Redmond used physical force against § 87(2)(b)**

**Allegation (B) Force: Police Officer Eric Roome used physical force against § 87(2)(b)**

**Allegation (C) Force: Police Officer Anthony Taccetta used physical force against § 87(2)(b)**

§ 87(2)(b) stated to the CCRB (Board Review 02) that in the vicinity of 56<sup>th</sup> Street and 5<sup>th</sup> Avenue in Brooklyn, he walked with three to four friends and encountered two males, with whom he briefly spoke before walking away. Approximately 20 minutes later, he saw a black, unmarked vehicle move towards him, and individuals inside it looked at him. Because § 87(2)(b) did not recognize these individuals and for no other reason, he became “scared” and ran towards a friend’s home, while his other friends remained at the location.

As he ran, § 87(2)(b) saw plainclothes and uniformed officers in front of him. Officers ran towards him and yelled, “Police!” § 87(2)(b) stopped running. Two to three plainclothes officers “caught up” to § 87(2)(b) “swept” his legs from under him, and pushed him forward, causing him to fall forward to the ground, landing face-down and striking his face. § 87(2)(b) sustained facial contusions and lacerations as a result of the incident but was unable to specifically attribute these injuries to this or any of the other uses of force noted hereafter.

Sgt. Redmond stated to the CCRB (Board Review 03) that PO Frank Aliberti of the 72<sup>nd</sup> Precinct communicated via radio that he was approximately one to two blocks from Sgt. Redmond’s location and engaged in a foot pursuit with an individual wanted in a robbery

complaint. When Sgt. Redmond arrived, he ran towards § 87(2)(b) PO Aliberti shouted, “Anti-Crime, that’s him.” Officers instructed § 87(2)(b) to stop. § 87(2)(b) ran directly towards Sgt. Redmond and did not stop. Because Sgt. Redmond held his gun and did not have time to return it to its holster such that he could use his hands, because § 87(2)(b) was fleeing officers, because § 87(2)(b) did not comply with officer commands to stop, and for no other reason, he kicked § 87(2)(b) one time in the “midsection” of the front of his body, causing him to fall backwards, strike a closed “rolldown” style door, and appear to lose his balance and fall to a sitting position on a stoop. Sgt. Redmond did not see any officer make physical contact with § 87(2)(b) prior to this.

§ 87(2)(b) immediately rose to his feet and moved forward. PO Taccetta and PO Roome grabbed hold of § 87(2)(b) and conducted a forcible takedown against him in a “quick” manner Sgt. Redmond could not further describe.

PO Roome stated to the CCRB (Board Review 04) that he, Sgt. Redmond, and PO Taccetta all ran towards § 87(2)(b) who ran away from PO Aliberti. All of the officers instructed § 87(2)(b) “Stop. Don’t move” multiple times, and § 87(2)(b) continued running and did not otherwise respond. Sgt. Redmond pushed § 87(2)(b) to the ground in a manner PO Roome could not recall. § 87(2)(b) fell in a sitting position on a stoop. PO Roome grabbed hold of one of § 87(2)(b)’s arms, which § 87(2)(b) “stiffened.”

PO Roome lifted § 87(2)(b) facing him, to his feet and attempted to move his arms behind his back to rear handcuff him. § 87(2)(b) kept his arms to this sides of his body. PO Roome turned § 87(2)(b) away from him and, still holding one of his arms, pushed him with one hand against his back, causing him to move forward and land, face-down, on the ground. PO Roome performed this takedown to gain control of and handcuff § 87(2)(b) and for no other reason. PO Taccetta assisted in this process in a manner PO Roome could not describe beyond his pushing § 87(2)(b) to the ground.

PO Taccetta stated to the CCRB (Board Review 05) that the robbery complaint to which he, Sgt. Redmond, and PO Roome responded involved one of the alleged perpetrators concealing his face and “simulating a firearm” in that he pressed the underside of his clothing such that it protruded in a manner that might lead one to believe that the clothing concealed a firearm. After approximately ten minutes, PO Aliberti and PO Pedro Rodriguez, also from the 72<sup>nd</sup> Precinct, attempted to stop five civilians, one of whom fled on foot and whom PO Aliberti pursued. When PO Taccetta saw § 87(2)(b) running towards his vehicle, PO Aliberti screamed, via radio, “Crime, right there in front of you.”

PO Taccetta stopped his vehicle, and he, Sgt. Redmond, and PO Roome exited it. Sgt. Redmond and PO Roome ran on the sidewalk towards § 87(2)(b) and PO Taccetta ran parallel to them in the roadway. Officers screamed, “Get on the ground” at least three times, and § 87(2)(b) did not respond in any way, including stopping his movement or voluntarily moving to the ground. Sgt. Redmond and an officer engaged in a “struggle” with § 87(2)(b) in a manner PO Taccetta could not further describe due to his view being obstructed by dark lighting conditions and parked vehicles being between him and the officers. § 87(2)(b)

§ 87(2)(b) rose to his feet and “ducked down” between Sgt. Redmond and another officer, who stood “shoulder to shoulder,” and moved towards PO Taccetta.

PO Taccetta grabbed hold of the chest area of § 87(2)(b) s sweatshirt with one hand and his arm with the other hand and attempted to move him to the ground. PO Taccetta instructed § 87(2)(b) to “get on the ground.” § 87(2)(b) screamed, the content of which PO Taccetta did not recall, and pushed PO Taccetta’s arms away from him but did not break contact with him. § 87(2)(b) grabbed hold of the chain of PO Taccetta’s shield, which hung around his neck, and grabbed the top of his tactical vest near his clavicle.

PO Taccetta continued attempting to pull § 87(2)(b) to the ground and again instructed him to move to the ground. § 87(2)(b) attempted to punch PO Taccetta in the face with a closed fist but did not make contact with him. To overcome § 87(2)(b) ‘s active resistance, to prevent himself from being punched, to prevent § 87(2)(b) s flight, and for no other reason, PO Taccetta punched § 87(2)(b) one time on the left side of his face with a closed right fist. As he did so, PO Taccetta and other officers he could not specify took § 87(2)(b) to the ground, face-down.

§ 87(2)(b) s medical records were not available to the investigation as a result of § 87(2)(b) s criminal attorney advising the NYC Administration for Children’s Services to not provide HIPAA authorizations to the CCRB.

PO Taccetta noted in his Threat, Resistance, or Injury Report that § 87(2)(b) sustained minor abrasions and/or lacerations as a result of the force he used against him (Board Review 13).

§ 87(2)(g)

§ 87(2)(g)

**Allegation (D) Force: Officers used physical force against § 87(2)(b)**

**Allegation (E) Discourtesy: Police Officer Anthony Taccetta spoke discourteously to § 87(2)(b)**

§ 87(2)(b)

**Allegation (F) Discourtesy: Police Officer Anthony Taccetta spoke discourteously to § 87(2)(b)**

§ 87(2)(b)

After officers conducted a forcible takedown against § 87(2)(b) he felt more than five strikes to the right side of his torso and right eye and thought that this was officers kicking him due to his seeing shoes striking him. § 87(2)(b) did not see what officers took these actions. § 87(2)(b) stated that he had just had surgery performed, and an officer said, “We don’t give a fuck about your surgery. You was running. We don’t want to hear you. Shut the fuck up.” § 87(2)(b) did not see who said this.

PO Taccetta denied punching § 87(2)(b) beyond the one time he acknowledged above, denied kicking him, and did not see any officer punch or kick him. After PO Taccetta conducted a forcible takedown against § 87(2)(b) PO Taccetta was unaware of PO Rodriguez's location and did not think that PO Rodriguez was aware of PO Aliberti's location. § 87(2)(b) screamed, the content of which PO Taccetta did not recall.

PO Taccetta instructed § 87(2)(b) to "shut the fuck up" one time. PO Taccetta did so because he knew that PO Rodriguez had been in another location with four additional individuals, because he did not know whether PO Rodriguez was alone, "okay," or "fighting" these individuals, because PO Aliberti was attempting to determine PO Rodriguez's status, because the reported robbery was of a violent nature in which § 87(2)(b) may have possessed a firearm, because § 87(2)(b)'s screaming prevented PO Taccetta from communication, and for no other reason.

After officers transported § 87(2)(b) to the 72<sup>nd</sup> Precinct stationhouse, he complained that he had recently had heart surgery performed. PO Taccetta did not recall telling § 87(2)(b) that he did not "give a fuck" about this surgery at any point.

Sgt. Redmond denied kicking § 87(2)(b) beyond the one time he acknowledged above and did not see any officer kick or punch him. Sgt. Redmond did not hear any officer make any of the above alleged statements to § 87(2)(b) or use any profanity towards him.

PO Roome denied punching or kicking § 87(2)(b) seeing PO Taccetta do so, or seeing Sgt. Redmond kick him. PO Roome did not hear any officer make any of the above alleged statements to § 87(2)(b) or use any profanity towards him.

In the Police Radio Communications (PRC) associated with the 911 job that precipitated this incident (Board Review 06), starting at the 12m47s mark, multiple officers communicate, starting with an officer saying, "Central, foot pursuit, 57 Street from 5<sup>th</sup> Avenue to 6<sup>th</sup> Avenue, my partner's in a foot pursuit." Someone in the background seems to shout, "Stop." At the 13m17s mark, an officer says, "Right there, crime. Right in front of you." At the 13m30, an officer says, "Frank, on the air, Frank. Where you at, Frank?" At the 13m34s mark, an officer says, "Pedro, we got him in custody. Two crime, we got him in custody." At the 13m55s mark, an officer says, "Pedro, where you at? You good?" An officer replies, "Yeah, I'm good, bro. Are you good?"

At the 14m20s mark, while individuals can be heard speaking in the background, an officer says, "Pedro, on the air." An officer says, "Frank. Where you at?" Another officer says, "Frank, what's his location, Frank?" An officer says something inaudible, followed by an officer saying, "10-5? Is there anybody with you, bro?" An officer says, "I'm good." An officer says, "Alright, 10-4." An officer says, "We got one over here. You got anything else outstanding?" At the 14m54s mark, an officer says, "No, I think we got everybody. All the four guys I got over here on the corner, it's a positive show-up. 92 each."

Due to the length, nature, and content of the PRC noted above, which indicate that, after § 87(2)(b) was confirmed to have been apprehended, officers at separate locations spent approximately 80 seconds determining each other's statuses and locations and the extent to which the apprehension of suspects had been concluded, the investigation credits the circumstances surrounding the events after § 87(2)(b)'s apprehension to be consistent with those described by PO Taccetta.

An officer must be respectful and courteous when interacting with members of the public. NYPD Patrol Guide, Section 203-09 (Board Review 07). A Deputy Commissioner of Trials (DCT) judge has found that profane remarks made during stressful situations or while an officer

is trying to get a chaotic situation under control are not misconduct. NYPD Department Advocate Officer DCT, Number 2017-17005 (Board Review 08).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 09).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 10).
- Sgt. Redmond has been a member-of-service for nine years and has been a subject in two CCRB complaints and two allegations, neither of which was substantiated. § 87(2)(g)
- PO Roome has been a member-of-service for six years, and this is the first CCRB complaint to which he has been a subject.
- PO Taccetta has been a member-of-service for three years and has been a subject in three CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- On May 2, 2019, a Notice of Claim inquiry was sent to the New York City Comptroller's Office, and the results will be added to the case file upon receipt (Board Review 11).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City. His criminal case stemming from his arrest in this incident remains active (Board Review 12).

---

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature

Print Title & Name

Date

Squad Leader: \_\_\_\_\_

Signature

Print Title & Name

Date

Reviewer: \_\_\_\_\_

Signature

Print Title & Name

Date